NOTICE OF FINAL RULEMAKING MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS RULE 280—FEES

PREAMBLE

1. Sections affected Rulemaking Action

Rule 280, Section 205

Rule 280, Section 207

Amend

Rule 280, Section 302.2

Amend

2. Statutory authority for the rulemaking:

Authorizing statutes: Arizona Revised Statutes (A.R.S.) § 49-402, 49-473 (B), 49-476.01(A), 49-476.01 (C), 49-479, 11-251.08(A).

Implementing statutes: A.R.S. § 49-480(D), 49-480(E), 49-480 (J), 49-112 (A), 49-112 (B), 11-251.08 (B).

3. The effective date of the rules:

Date of Adoption: April 7, 2004

4. List of all previous notices appearing in the register addressing the final rule:

Notice of Docket Opening: 9 A.A.R. 3893, September 5, 2003

Notice of Proposed Rulemaking: 9 A.A.R. 4017, September 12, 2003

5. Name and address of department personnel with whom persons may communicate regarding the rulemaking:

Name: Jo Crumbaker, Air Quality Division

Address: 1001 North Central Avenue, Suite # 201

Phoenix, AZ. 85004

Telephone Number: 602-506-6705 Fax Number: 602-506-6179

E-Mail Address: jcrumbak@mail.maricopa.gov

6. Explanation of the rule, including the department's reason for initiating the rulemaking:

The Board of Supervisors adopted Rule 280 on May 21, 2003 and the Notice of Final Rulemaking was published in the A.A.R, on June 20, 2003, Volume 9, Issue 25. The rule became effective on July 1, 2003. Shortly thereafter, Maricopa County discovered that it inadvertently omitted some

text from the Table in Section 302.2. The annual administrative fee of \$360 for the Non-Title V Sources D and E was omitted. The correct text now reads "Sources listed in Tables C-E" in the third column of the table. The cost of the annual administrative fee of \$360 should apply to sources listed in Tables D and E also.

Maricopa County also renumbered Section 205 at this time due to an administrative error. There are duplicate sections numbered 205.2. Maricopa County amended the section by numbering the first section in the list as 205.1 and the second section as 205.2.

Maricopa County also renumbered Section 207 due to an administrative error. There are duplicate sections numbered 207.1. Maricopa County amended the section by numbering the first section in the list as 207.1 and the second section as 207.2.

Section By Section Explanation Of Changes:

Sections 205.1 and 205.2 This amendment renumbers the first listed subsection under section 205 from 205.2 to "205.1."

Section 207.1 and 207.2 This amendment renumbers the second listed subsection under section 207 from 207.1 to "207.2."

Section 302.2 This amendment adds sources D-E to the table under the title "Non Title V Source Type" therefore amended text reads "Sources listed in Tables C-E."

7. Demonstration of compliance with A.R.S. § 49-112:

Based on information and belief, the Control Officer of the Maricopa County Environmental Services Department affirms the following:

A. Maricopa County is in compliance with A.R.S.§ 49-112(A) in that Maricopa County Environmental Services Department is adopting rules that are not more stringent than nor are in addition to a provision of A.R.S.Title 49 or rules adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49.

Maricopa County fails to meet the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), ozone and particulates. In addition, Maricopa County is the only ozone nonattainment area in Arizona. Maricopa County may adopt rules that are more stringent than the State pursuant to A.R.S. §49-112 as enacted in 1994, provided that the emission standard is required

by law or is necessary and feasible to prevent a significant threat to public health or the environment that results from a unique local condition.

B. Maricopa County is in compliance with A.R.S.§ 49-112 (B) in that Maricopa County Environmental Services Department is proposing to adopt rules that are as stringent as a provision of A.R.S. Title 49. The costs of obtaining permits or other approvals from Maricopa County will approximately equal or be less than the fee or cost of obtaining similar permits or approvals under Title 49 or any rule adopted pursuant to Title 49.

8. Reference to any study relevant to the rule that the department reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may review each study, all data underlying each study, and any analysis of each study and other supporting material:

No studies were reviewed in reference to this rulemaking action.

9. Summary of the economic small business, and consumer impact:

The revisions will affect the following sources: service stations and larger non-resale dispensing operations and fuel burning equipment. The cost will be \$360 per source for the annual administrative fee. These costs were already discussed in the preamble to the original notice of proposed rulemaking published on November 1, 2002 and were addressed with the stakeholders, so the information is not new to the stakeholders.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules:

No changes were made between the proposed rule and the final rule.

11. A summary of comments made regarding the rule and the deparatment response to them:

No comments were received.

12. Any other matters prescribed by the statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable.

13. Incorporations by reference and their location in the rules:

Not applicable.

14. The full text of the rule follows:

REGULATION II - PERMITS AND FEES

RULE 280

FEES

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MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS

REGULATION II - PERMITS AND FEES RULE 280 FEES

SECTION 100 - GENERAL

No change.

No change.

SECTION 200 - DEFINITIONS: For the purpose of this rule, the following definitions shall apply:

No change.

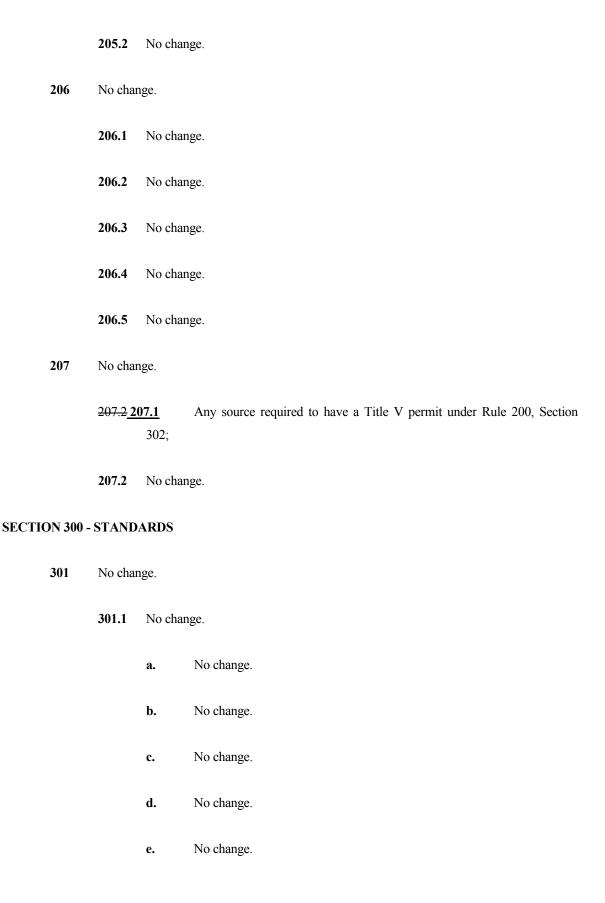
No change.

No change.

No change.

No change.

205.2 205.1 The source is classified as a Synthetic Minor Source, and



301.2 No change.

- a. No change.
- **b.** No change.

No change.

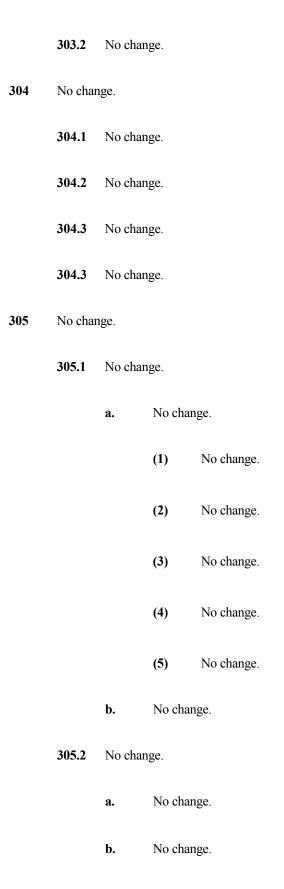
302.1 No change.

- a. No change.
- **b.** No change.
- c. No change.
- d. No change.
- e. No change.
- **Annual Fees:** The owner or operator of an existing Non-Title V source shall pay the applicable annual administrative fee from the table below, as adjusted annually under Section 304. The annual administrative fee covers the cost of renewing a Non-Title V permit. The fee is due on the first anniversary date of the initial permit covering construction and startup of operations and annually thereafter on that date.

| Non-Title V Source Type | Annual Administrative Fee |
|------------------------------------|---------------------------|
| Source listed in Table A | \$3,100 |
| Source listed in Table B | \$1,300 |
| Source listed in Table C <u>-E</u> | \$360 |

No change.

303.1 No change.



| | | c. | No change. |
|-----|------------|----------|------------|
| | | d. | No change. |
| | | e. | No change. |
| | 305.3 | No char | ige. |
| 306 | No change. | | |
| 307 | No change. | | |
| 308 | No change. | | |
| 309 | No change. | | |
| 310 | No change. | | |
| 311 | No change. | | |
| | 311.1 | No char | ige. |
| | 311.2 | No char | nge. |
| 312 | No change. | | |
| | 312.1 | No chang | ge. |
| | 312.2 | No char | ige. |
| 313 | No change. | | |
| 314 | No change. | | |
| 315 | No change. | | |
| | 315.1 | No char | ige. |

315.2 No change. 315.3 No change. 315.4 No change. 316 No change. SECTION 400 - ADMINISTRATIVE REQUIREMENTS 401 No change. No change. 402 402.1 No change. No change. a. b. No change. 402.2 No change. 402.3 No change. 402.4 No change. 403 No change. 403.1 No change. 403.2 No change. 403.3 No change.

403.4

No change.

403.5 No change.

SECTION 500 - MONITORING AND RECORDS (NOT APPLICABLE) No change